

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of the Application of JPMorgan Chase Bank,
N.A., Trustee of the Trust Created Under an Indenture of Trust
Executed by Lydia C. Chamberlain on March 20, 1920, for an
Order Liberalizing and Modifying the Provisions of Said Trust
Pursuant to EPTL § 8-1.1(c)
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File No.

AFFIDAVIT

I, Lucy Drotning, being duly sworn, deposes and says:

1. I am an Associate Provost at The Trustees of Columbia University in the City of New York ("Columbia" or the "University"). I have held this position since 2005. In my position as Associate Provost, I oversee the administration of all Interschool financial aid fellowships.

2. I submit this Affidavit in support of the petition ("Petition") of JPMorgan Chase Bank, N.A. (the "Trustee") to modify the provisions of the Trust pursuant to EPTL § 8-1.1(c).

3. I am personally familiar with the facts set forth in this affidavit and make each statement in this affidavit upon personal knowledge or upon a review of files in my possession. I am also familiar with the terms of the Lydia C. Chamberlain Trust created under an indenture of trust dated March 20, 1920 (the "Trust").

4. Under the terms of the Trust, the Trustee is to pay over to Columbia in each year certain sums as determined by Columbia to be used for graduate fellowships to be awarded to students pursuing studies in fields other than law, medicine, dentistry,

veterinary medicine or theology. Because fellowships may be awarded to graduate students pursuing any number of degrees at various graduate schools at the University, the Office of the Provost is responsible for the administration of fellowships.

5. The University is unable to award fellowships, however, because as described in the Trustee's Petition and herein, the Trust contains certain provisions that are contrary to law and to University policy and also contains certain provisions that are impracticable and/or are inconsistent with Columbia's administrative procedures.

6. Pursuant to paragraph 1 of the Trust, fellowships may be awarded only to persons of the Caucasian race. The University requests that this restriction be eliminated. As set forth in paragraph 12(a) of the Petition, in accordance with its policies and federal, state and city laws, Columbia may not discriminate based upon race.

7. Paragraph 1 of the Trust also provides that fellowships may only be awarded to persons who were born in the State of Iowa. As set forth in paragraph 12(b) of the Petition, in accordance with its policies and federal, state and city laws, Columbia may not discriminate based upon national origin. The University requests that this provision be modified such that fellowships may be awarded to students who are residents of the State of Iowa. In addition, Columbia does not maintain records of the birthplaces of its students. Columbia does, however, request students to provide addresses throughout their tenure at the University.

8. For the academic years 2005-2012, a total of 102 graduate students provided the University with an address located in the State of Iowa.

9. In addition to requiring that fellowship awardees be born in Iowa, the terms of the Trust further require awardees to have graduated from a college or university in Iowa.

10. For the academic years 2005-2012 there were 127 students in the applicable graduate schools at Columbia University with previous degrees from an Iowa college or university. It is likely that there is overlap between these students and those who provided the University with an address located in the State of Iowa.

11. Columbia would more easily be able to award fellowships if this requirement were changed from “and” to “or,” so that fellowships may be awarded to students who are residents of Iowa (assuming the requirement that students be born in Iowa is modified in accordance with the Trustee’s petition) or who have graduated from a college or University in Iowa.

12. Paragraph 5 of the Trust requires fellowship awardees to give notice in writing of their acceptance of a fellowship within thirty days and to state in such acceptance that he or she intends to return to Iowa upon the completion of his or her studies or upon the expiration of the fellowship. These requirements are not consistent with University procedures and the University requests that they be eliminated.

13. As set forth in paragraph 12(c) of the Petition, the Graduate School of Arts and Sciences does not typically require students who are awarded fellowships to give notice in writing of their acceptance of the award. The Graduate School of Arts and

Sciences would only require students to give notice of their acceptance of a fellowship in writing if there were to be a waitlist for those funds.

14. In addition, as set forth in paragraph 12(d) of the Petition, Columbia has no control over a student's post-graduation plans and has no way in which to monitor this restriction.

15. Paragraph 5 of the Trust further requires students to sign a written agreement that they will not accept another fellowship or financial aid from any other source while receiving a fellowship award from the Trust. As set forth in paragraph 12(e) of the Petition, the University requests that this restriction be eliminated.

16. When the Trust was created in 1920 the cost of tuition at Columbia was \$180, and a student generally spent approximately \$690 in total after all other fees and living expenses were taken into account.

17. The Trust instrument initially authorized fellowship awards in the amount of \$750, an amount sufficient to cover the cost of tuition and fees.

18. As set forth in paragraph 12(e) of the Petition, for the 2011-2012 school year, the average tuition alone for Columbia University's graduate schools, excluding the medical, dental and law schools, was approximately \$42,300.

19. The current value of the Trust is approximately \$840,000, and in the year 2011 it earned approximately \$26,000 in income.

20. Therefore, it is likely that a fellowship awardee would require financial assistance in addition to the fellowship award to cover the cost of tuition and fees at Columbia.

21. Paragraph 5 of the Trust also requires awardees to register for classes on or before the first day of the academic year or risk forfeiture of the fellowship. This restriction is not consistent with University registration requirements and practices and Columbia requests that it be eliminated.

22. As set forth in paragraph 12(f), students in the Graduate School of Arts and Sciences frequently do not register until the start of the academic year, and are not required to do so until the end of “add/drop period,” which is several weeks after the semester has begun.

23. Paragraph 7 of the Trust prohibits a fellow from teaching or accepting any paid employment while receiving a fellowship award without the permission of the University President. Columbia requests that this provision be eliminated.

24. As set forth in paragraph 12(g) of the Petition, a teaching requirement is now an integral part of the curriculum for many graduate programs at Columbia and with the exception of work-study programs, the University does not maintain records of outside student employment.

25. If this provision cannot be eliminated, then Columbia requests that it be modified to provide that permission for a fellow awardee to work while receiving the

fellowship be given by the Dean of the applicable school rather than the President as the Dean is the appropriate person to grant permission because the Dean has direct oversight over the applicable school.

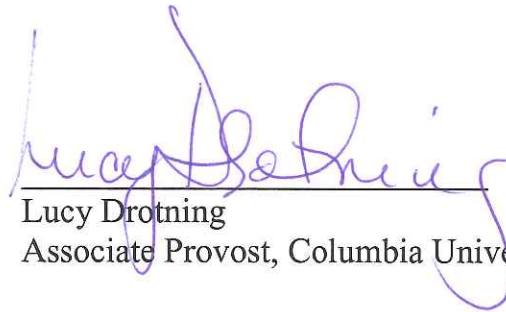
26. Certain provisions of the Trust run counter to the way that the University typically administers fellowship awards. The University requests that these be eliminated and/or modified to allow the University to apply its usual practices and procedures to the administration of the fellowship awards. In particular, these provisions include:

a. Paragraph 4 of the Trust requires the funds to be distributed to fellowship recipients in “equal installments payable on the day of registration at the opening of the academic year, on November 1st, on January 1st, and on March 1st of each year.” Columbia typically does not award fellowships according to this schedule of payments.

b. Paragraph 10 of the Trust requires the University to announce the fellowships in “all publications and catalogues of the University pertaining to the courses open to the holders of said fellowships.” However, largely as a result of technological advances, Columbia no longer relies on publications and catalogues to announce scholarships to its students. Currently, these announcements are made via email or posting to website, but these methods may change over time.

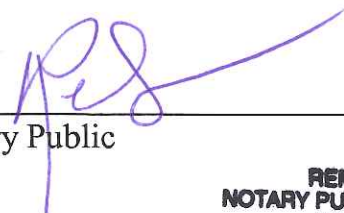
WHEREFORE, I respectfully submit this affidavit in support of the Trustee's petition for an order to liberalize or modify the Trust created by Lydia C. Chamberlain dated March 10, 1920.

Dated: New York, New York
August 24, 2012


Lucy Drotning
Associate Provost, Columbia University

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

On the 24th day of August 2012 before me, the undersigned, personally appeared Lucy Drotning, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this Affidavit and acknowledged to me that she executed the same and that by her signature on the instrument she executed the instrument.



Notary Public

REMI SILVERMAN
NOTARY PUBLIC, State of New York
No. 02SI6116980
Qualified in New York County
Commission Expires Oct. 12, 2012